

Claims 1-21 are pending in the application. In the amendment, claims 1 and 9 are amended for clarity at the points noted by the Examiner. Moreover, claims 1 - 3 are amended to more properly recite the full scope of the inventive method. It is respectfully submitted that the amended claims do not introduce new matter into the application. Copies these claims without marking are provided in the attached Appendix.

The Office Action rejects claims 1-21 under 35 U.S.C. §112, 2nd paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. More specifically, the Office Action alleges lack of antecedent basis in claims 1, 5, and 13 while noting certain informalities with respect to claims 1 and 9.

Claims 1-21 have been carefully reviewed and claims 1 and 9 are amended for clarity. It is respectfully submitted that claims 1-21, as amended, are both definite and entirely proper under 35 U.S.C. §112, since those of ordinary skill in the art can easily ascertain the metes and bounds of the present invention from the pending claims. The first sentence of the second paragraph of 35 U.S.C. §112 requires only that claims "set out and circumscribe a particular area with a reasonable degree of precision and particularity." In the absence of evidence to the contrary, what the claim defines is what the applicant regards as his invention. If those skilled in the art can tell whether any particular embodiment is within the scope of a claim, the claim fulfills its purpose as a definition. See In re Miller, 169 U.S.P.Q. 597 (CCPA 1971).

As mentioned above, the 35 U.S.C. §112, 2nd paragraph, rejections stated in the Office Action fall into two categories: antecedent basis problems (claims 1, 5, and 13); and informalities, e.g., typographical errors in the claim language.

With respect to the alleged problems with antecedent basis noted in connection with claims 1, 5, and 13, it is respectfully submitted that the 35 U.S.C. §112 rejection as to these claims is

without merit. The stated rejection stems from a failure to read the entirety of the claims, or at least the clauses which contain the words deemed to lack antecedent basis. More specifically, each of the claims contain language similar to "the predetermined, the active hyperlink, the text, the active track, and the freehand drawing **objects**." Emphasis is added to the noun "objects" to help clarify that all of the adjectives and adjectival phrases modify the noun "objects." The stated rejection amounts to an assertion that in the compound sentence "He pick up red balls, white balls, and blue balls and then put the red, white, and blue balls in a box" that the second use of the adjectives red, white, and blue lack antecedent basis. It is respectfully submitted that the adjectives are properly distributed with respect to the noun, i.e., balls, being modified. It is also respectfully submitted that this is entirely proper under ordinary rules of English usage.

For all of these reasons, the Examiner is respectfully requested to reconsider and withdraw the 35 U.S.C. §112, 2nd paragraph, rejection as to claims 1, 5, and 13.

In short, it is respectfully submitted that Applicants have fully reviewed all pending claims in light of the 35 U.S.C. §112, 2nd paragraph, rejections set forth in the Office Action and have amended claims 1 and 9 at the points indicated in Paragraph 3 of the Office Action to further clarify the invention recited therein. It is also submitted that, under the case law pertaining to indefiniteness--"if the claims, **read in light of specification**, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the courts can demand no more"--the claims clearly are definite. Hybritech Inc. v. Monoclonal Antibodies, Inc., 231 U.S.P.Q. 81 (Fed. Cir. 1986). It is respectfully submitted that the claims, read in the light of the specification, reasonably apprise those skilled in the art and are as precise as the subject matter permits. Moreover, it is respectfully submitted that one of ordinary skill in the art would have no trouble determining the metes and bounds of the invention from the pending claims. Thus, Applicants respectfully request that the Examiner reconsider and withdraw the 35 U.S.C. §112, second paragraph, rejection of pending claims 1-21.

The Office Action rejects claims 1-20 under 35 U.S.C. §102(e) as being clearly anticipated by England (U.S. Patent No. 6,144,991). This rejection is respectfully traversed.

Anticipation requires the presence in a single prior art disclosure of all elements of a claimed invention arranged as in the claim. See Connell v. Sears, Roebuck & Co., 220 U.S.P.Q. 193, 198 (Fed. Cir. 1983). Thus, an invention is anticipated if the same device, including all the claim limitations, is shown in a single prior art reference. Every element of the claimed invention must be literally present, arranged as in the claim. The identical invention must be shown in as complete detail as is contained in the patent claim. Thus, a rejection for anticipation or lack of novelty requires, as the first step in the inquiry, that all the elements of the claimed invention be described in a single reference. Richardson v. Suzuki Motor Co., 9 U.S.P.Q.2d 1913, 1920 (Fed. Cir. 1989), *cert. denied*, 110 S.Ct. 154 (1989). Further, the reference must describe the applicant's claimed invention sufficiently to have placed a person of ordinary skill in the field of the invention in possession of it. Akzo N.V. v. United States Int'l Trade Comm'n, 1 U.S.P.Q.2d 1241, 1245 (Fed. Cir. 1986), *cert. denied*, 482 U.S. 909 (1987); In re Coker, 175 U.S.P.Q. 26, 29 (C.C.P.A. 1972).

Moreover, anticipation requires that all of the elements and limitations of the claim are found within a single prior art reference. There must be no difference between the claimed invention and the reference disclosure, as viewed by a person of ordinary skill in the field of the invention. See Scripts Clinic v. Genentech, Inc., 18 U.S.P.Q.2d 1001, 10 (Fed. Cir. 1991).

The '991 patent discloses a guided telecommunications system. As illustrated in FIG. 12, which is a high-level block diagram of the Hamelin system 1200, a system for managing interactions between users (i.e. guides and clients) in a browser-based telecommunications network includes a system (piper) server 502; a HTTP server 1204; at least one guide system 1206; and at least one client system 1208. Communication via the browser-based network among servers 502 and 1204 and

guide system 1206 and client system 1208 uses packets propagating serially based upon the TCP/IP protocol. However, guide system 1206 only communicates directly with HTTP server 1204 and system server 502; server 502 only communicates directly with guide system 1206 and client system 1208; client system 1208 only directly communicates with servers 1204 and 502; and, finally, server 1204 only communicates directly with systems 1206 and 1208. Accordingly, system 1200 represents a logical model for the inter-element communications, with the direct communication paths shown as separate logical paths. Piper server 502 communicates using a Web Guide Protocol (WGP) which is written on top of TCP/IP. HTTP server 1204 communicates using the HTTP protocol. Guide system 1206 and client system 1208 both communicate using TCP/IP. See col. 14, line 65 through col. 15, line 29.

In general, piper server 502 acts as an intermediary between guide system 1206 and client system 1208. In general, the guide initiates instructions. These instructions are to load framesets, frame layouts, and/or frame contents such as Web pages, collaborative tools and/or Internet Resources. These instructions are communicated to piper server 502. Piper server 502 forward these instructions to all connected client systems through their client-side components. Each client-side component 904 orders its associated client Web browser 1312 to implement the guide's instructions. See Col. 26, lines 20-29.

The '991 patent also discloses that while generally the frames displayed on the client 1208 are generated via commands issued by the guide 1206 and relayed via the piper server 502, it is possible to effect the display of the guide system 1206 and other clients 1208 via commands. For example, as illustrated in FIG. 39, the user sometimes clicks and drags a mouse to draw a line. When the mouse button is released, director application 1306 or client-side component 904 sends the WGP command: "LINE COLOR 3 N X1 Y1 X2 Y2" to piper server 502 where color is the desired color for the display of the whiteboard, forwards the WGP command to all connected client systems, to cause each client system draws the line segments on their respective Web browsers. See col. 33, lines 19-

33. Alternatively, the guide can construct a collaborative tool such as a shared pointer that both the client and guide will view simultaneously on their Web browsers. Either party can "click on and drag" the pointer. If either party moves it, it moves on all display screens for the PC systems (i.e. guide PC system(s) and client PC system(s)). The shared pointer responds to commands such as: POINTER ON (to make the pointer visible); POINTER OFF (to make the pointer invisible); POINTER COLOR (any color available in the spectrum such as RED.verline.GREEN.verline.BLUE.verline.PINK,PURPLE, and YELLOW); and POINTER MOVE X,Y (to move POINTER to position X,Y). See Col. 31, line 57, through Col. 32, line 20

Independent claim 1, as amended, recites:

1. A method facilitating collaboration between a plurality of users of incompatible hardware and/or operating systems, comprising:

selectively generating predetermined objects, text objects, active hyperlink objects, and freehand drawing objects, which are displayable at user-selected locations on a White Board screen of one of the users;

transmitting all generated ones of the predetermined, the active hyperlink, the text, and the freehand drawing objects for selective distributions to each of the other users;

accumulating the predetermined, the active hyperlink, the text, and the freehand drawing objects; and

filtering the predetermined, the active hyperlink, the text, and the freehand drawing objects to thereby permit selective retransmission of the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users.

It is respectfully submitted that since the '991 patent does not disclose or even suggest the transmitting, accumulating, and filtering steps, the '991 patent cannot anticipate the inventive method of claim 1.

With respect to the recited transmitting step, the '991 patent clearly does not transmit "all of the generated . . . objects." As discussed above, the '991 patent discloses transmitting commands, the line drawing command illustrated in Fig. 39, and not the line, i.e., the object, itself. Moreover,

assuming *arguendo* the piper server 502 receives all objects, which is clearly not the case, the piper server 502 is incapable of selective transmission to these objects to other clients 1208 participating in the session.

With respect to the accumulating step, since the '991 patent does not disclose the transmitting step of claim 1, i.e., the '991 patent does not transmit the generated objects, the '991 patent cannot disclose the recited accumulating step.

With respect to the filtering step, it is respectfully submitted that there is not one word within the four corners of the '991 patent that discloses or even suggests a filtering step. All of the session clients coupled to the piper server 502 receive exactly the same information. See col. 29, line 6-, through col. 30, line 3. The Office Action, in the discussion on bridging pages 2 and 3, alleges that the '991 patent discloses privilege levels, i.e., active participants. Assuming *arguendo* that active participant corresponds to a privilege level, the '991 patent does not disclose any other privilege level; people about to join a session and people leaving a session, either voluntarily or forcibly, receive no information from the piper server 502. In short, once a client joins an active session, that client is able to synchronize with the other clients via the piper server 502 so that all clients see exactly the same content.

For all of the reasons given above, the Examiner is respectfully requested to reconsider and withdraw the 35 U.S.C. §102(e) rejection of claim 1. Claims 2-4 depending from independent claim 1, are allowable for all of the reasons given with respect to claim 1.

It is also respectfully submitted that independent claims 5 and 13 distinguish over the '991 patent for all of the reasons noted with respect to claim 1. Moreover, claims 5 and 13 distinguish even further over the applied reference by virtue the of the recitation of "moving track object," which is completely missing from the '991 patent. Thus, the Examiner is respectfully requested to

reconsider the 35 U.S.C. §102(e) rejection of claims 5 and 13 for all of the reasons numerated above. Claims 6-12 and 14-21, depending from claims 5 and 13, respectively, are allowable for all of the reasons given with respect to claims 5 and 13.

In light of the amendments and remarks presented above, it is respectfully submitted that the application is in condition for allowance, and such action is hereby solicited.

By this response, Applicant has made a sincere effort to place this case in final condition for allowance. However, if it is deemed that there still remain additional issues to be resolved, the Examiner is encouraged to call the Applicant's undersigned representative prior to taking any further formal action in this case.

Respectfully submitted,



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APPENDIX

1. A method facilitating collaboration between a plurality of users of incompatible hardware and/or operating systems, comprising:

selectively generating predetermined objects, text objects, active hyperlink objects, and freehand drawing objects, which are displayable at user-selected locations on a White Board screen of one of the users;

transmitting all generated ones of the predetermined, the active hyperlink, the text, and the freehand drawing objects for selective distributions to each of the other users;

accumulating the predetermined, the active hyperlink, the text, and the freehand drawing objects; and

filtering the predetermined, the active hyperlink, the text, and the freehand drawing objects to thereby permit selective retransmission of the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users.

2. The method as recited in claim 1, wherein the filtering step selectively transmits the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users having at least a predetermined privilege level.

3. The method as recited in claim 1, wherein each of the predetermined, the active hyperlink, the text, and the freehand drawing objects has an associated privilege level and wherein the filtering step selectively transmits the predetermined, the active hyperlink, the text, and the freehand drawing objects to respective ones of the other users having at least the associated privilege level.

9. The method as recited in claim 5, further comprising the step of shutting down at least one of said White Board clients responsive to a received command signal.